

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HENRY STEWART, JR.,	:	NO. 1:09-CV-00887
	:	
Plaintiff,	:	
	:	
vs.	:	OPINION AND ORDER
	:	
MICHAEL J. ASTRUE,	:	
COMMISSIONER OF SOCIAL	:	
SECURITY	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's November 5, 2010 Report and Recommendation (doc. 20), that Plaintiff's Motion for Review Hearing (doc. 18) be denied. Plaintiff has filed no objection to the Magistrate Judge's Report and Recommendation.

The Court dismissed this case for lack of prosecution and for failure to abide by court order on July 15, 2010 (doc. 16). The following day, Plaintiff filed a letter stating he did not receive notice to come to Court (doc. 17).

The Magistrate Judge construed Plaintiff's letter as a motion pursuant to Fed. R. Civ. P. 60(b)(1), seeking relief from judgment (doc. 20). However, the Magistrate Judge further found Plaintiff failed to allege any facts suggesting that relief from judgment is warranted in this case (Id.). As such, the Magistrate Judge found Plaintiff's motion lacking in merit and recommended that it be denied (Id.). Plaintiff filed no objection.

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds it correct and well-reasoned. Plaintiff has failed to provide any basis for relief from the judgment entered in this matter, and has filed no objection to the Magistrate Judge's Report and Recommendation. Accordingly, the Court ADOPTS and AFFIRMS the Report and Recommendation (doc. 20) and DENIES Plaintiff's Motion for Review Hearing (doc. 18).

SO ORDERED.

Dated: December 14, 2010

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge